G. R. S. IX-5]

Previous references.

LR 40-90
" 39-87

Later references.

1892-93

192

(L.R)

File No. 196-92

Serial Nos. 1-13

GENERAL AND REVENUE SECRETARIAT

Serial Nos. 1-13

M **Part B for** August 1893

SUBJECT.

Appeal of Mutkur Nanjappa of Alaghatta, Gubbi Taluk, regarding the Cancellation of the Sale of Certain nos. in the Jodi Kanapatnaikanahalli Maddagiri Taluk, Tumkur District for Revenue arrears.

To.
Sl. 6 The Deputy Commissioner, Tumkur District.

No. 2942 D. 14.8.1893
P.7. 275-92

Informs him that the appeal has been rejected.

Indexed 10/1

[illegible]

Memo

Ap. No. 46 of 1892-93

Appellant: Moothukar Nanjappa residing at Alalagutta, Gubbi Taluk

Some of the Jodidars of Kanapanaikanhalli in Dodderi Sammuth Maddigiri Taluk had failed to pay to Govt. the Jodi amount due for the said village since the year Dhatu. In 1888 the arrears of Jodi amounted to Rs 918-13-1.× The village was then attached and 7/12th of it was sold by public auction on the 10th April 1889 in satisfaction of the said arrears. The remaining 5/12th of the village that belonged to P. Gangadhara Rao was excluded from sale on the ground that no jodi amount was ~~due~~ due on it.

Sale 23 Dec 91 for [illegible] arrears Rs 55-[illegible]

31 May 92 – [illegible] & Rama Dasappa complain to D.C. that [illegible]

[illegible] D.C. [illegible] Sale Cancelled.

9 March 92 · Veeranna [illegible] paid 20-3-0

1 April 92 Ramanna paid 40-6-[illegible] 0-9-6

12 April 92 · Sale Cancelled

× Vide office memo (No. 13)

Genl. Asst. Commr's Rept. of 30-4-89 (No. 9a)

1/3 of the village had been purchased
1/12 of the village had been mortgaged to him
Total 5/12 (Vide office memo) No. 13

At the sale Gangadhara Rao offered Rs 1300 for the portion Sold and it was knocked down to him for that amount as he happened to be the highest bidder.

On the 2d. May 1889 Mr. P. Panchanada Rao who was acting Deputy Commr. of the District reported to Govt. that the sale might be confirmed and that the purchaser Gangadhara Rao had been permitted to pay up the balance of purchase money after confirmation of the sale.

Ramanna & Bhagappa who were also Jodidars of the said Kanapanaikanhalli presented petitions to Govt. that Mr Panchanada Rao acting Deputy Commr. was wrong in having ordered the sale of their Shares in the village although they were ready to pay up the arrears of Jodi on those Shares and Excluding from Sale his younger brother Gangadhara Rao's

Nos. 227 & 1206
of 30.4.89 & 18.8.90
respecting

GOVERNMENT OF MYSORE

Share & that the arrears of jodi due for their shares might be ordered to be recovered from them and the sale cancelled.

On the 15th September 1890 the Govt. cancelled the sale which took place on the 10th April 1889, observing that as the shares of each Vrittidar were not separately registered in the accounts the whole village was liable for the arrears due on it, and the exclusion of Gangadhara Rao's share from sale was ~~therefore~~ illegal.

6-12-90 S. Gangadhara Rao then presented a petition to Government that the share of each of the Vrittidars was duly registered in the accounts and distinct, that the exclusion of his share from sale was proper and that the above order might be reconsidered and the sale confirmed.

14-2-91 The Govt. ordered that as the shares of the several Vrittidars were shewn separately in the Inam Register there was no objection to their being separately sold under para 10 Rule 51 of the Revenue Rules, & that if Gangadhara Rao had paid his share of quit rent it was only right that his joint responsibility should not be enforced till the other shares had been sold, but each sharer whose share was to be sold in the first instance should receive a separate notice and his share advertized for sale separately.

The Deputy Commissioner communicated the above order to the Amildar of Maddigiri for guidance.

On 29-9-91 the Amildar of Maddigiri accordingly issued notices. The amount of arrears due for the one third share of Chayappa & others was Rs 681-12-9 and that due for the $\frac{1}{3}$ share ~~[illegible]~~ of Narasimha Sastry's son Ramanna & others was Rs 588-7-9.

Under Sec 159 of the Land
Revenue Code the above 27-10-91
shares were declared to be
forfeited to Govt., since
the jodidars had failed
to pay up the arrears due
thereon.

Notices of sale were then issued on the 11th November 1891, notifying that the above shares would be sold on the 23rd December 1891 by public auction to the highest bidder. These notices were duly published and served on the persons concerned.

vide Amildar's Report No. $\frac{788}{74}$ datd. 19.1.92

Chayappa and others paid up the arrears due for their share and it was therefore released from attachment.

The remaining share of Narasimha Sastry's son Ramanna and others, on which the arrears amounted to Rs 588.7.9 was duly sold on the above date ie on 23rd Decr 1891.

At the sale this share was knocked down for Rs 1301 to Moothukur Nanjappa the appellant who was the highest bidder.

On the 21st January 1892 Ramanna son of Narasimha Sastry and Ramadasappa son of Seshagiri Rao presented a petition to the Deputy Commissioner that although they had produced before the Amildar the amount due for their share and requested him to exclude ~~their share~~ it from sale he ~~sh~~ refused to receive the amount and sold their share, that they were ready to pay up the full amount due for the said ~~[illegible]~~ Vritti and that the sale might be cancelled.

The Deputy Commr. wrote to the ~~[illegible]~~ Genl. Asst. Commr. that, if the rules permitted, the amount due ~~by the above petitioners~~ for the Vritti might be recovered from them and the sale ~~set aside~~ cancelled.

The Genl. Asst. Commr. then issued notices to Viswanath Rao uncle of Ramadasappa above named and Ramanna that the sum of Rs 609-6-6, including interest & noticefees, should be paid up within 15 days from the date of receipt of the notice. The sum of Rs 203-2-2 was paid by Viswanatha Rao on 9.3.92 and Rs 406-4-4 by Ramanna on 1-4-92.

On the 12th April 1892 the Genl. Asst. Commr. Mr. K. Ramachandra Rao ordered that the above share of the village under attachment should be released and the purchaser Moothukur Nanjappa ordered to take back the amount paid by him.

Nanjappa the purchaser then appealed to the Deputy Commr. on the following grounds:—

i that ~~said~~ although on the date of

Sale, the defaulters had been allowed time for payment of arrears they did not pay the amount until very long after the expiry of the time allowed i.e. until April 1892.

ii That there was no irregularity in the sale which according to law might justify its cancellation.

He prayed that on the above grounds the Genl. Asst. Commr's order might be set aside and the sale confirmed.

On the 3rd August 1892 the Deputy Commr. ordered that as the Genl. Asst. Commr. had prior to the confirmation of sale cancelled it and recovered the arrears from the defaulting jodidars, ~~[illegible]~~ that as the jodidars would lose their jodi village if the sale was confirmed and as the arrears also related to the famine years the Genl. Asst. Commr's order was confirmed. The Deputy Commr. further ordered that the defaulters should pay to the purchaser interest on the purchase money paid by him at the rate of Rs 1-4-0 per cent per mensem from the date of its payment to the Treasury till the end of Augt 92, and a further sum of Rs 20 for other expenses that the purchaser had incurred in connection with the sale.

Moothukur Nanjappa now appeals to Govt against the above order on the following grounds:-

(1) That the defaulting Jodidars themselves had agreed to pay the arrears or give sufficient security on the date of sale, although they failed to pay up the arrears until very long afterwards i.e until April 1892.

(2) That the sale was regularly conducted and there was no material irregularity in it

(3) That the Jodidars have not sustained any loss by the sale since the property sold fetched Rs 1301, although on a former occasion this property and another one third share in the village fetched only Rs 1000, when however the sale was cancelled for other reasons.

The appellant prays that the sale may be confirmed

Bell

10-10-92

Reported to [illegible] 24/7

Posted for hearing on 27th July 1893.

Fix a date -
To hear appt and ascertain if the amt ~~in deposit~~ of purchase money with intt has been paid to appt or is still in deposit
17/[illegible]

Petition No. 906
dated 22d September 1894

Petitioner: Muthukur Nanjappa residing in Alalaghatta Village Gubbi Taluk

A. S No. 46 of 1892-93
Appellant: Nanjappa

The petitioner had appealed to government against the Tumkur Deputy Commr's order dated 3d August 1892 confirming the Gen: Asst. Commr's order which cancelled the sale at which he (Petr.) had purchased for Rs 1301 the portion of jodi Kanapanaikanhalli that had been sold for arrears of jodi.

9th August 1893

That appeal was rejected by government (vide decision in A. S No. $\frac{46}{1892\cdot93}$)

On the 21st November 1893 the above named Nanjappa presented a petition to the Amildar of Maddagiri praying that as ordered× by the Deputy Commissioner the interest on the purchase money and the costs might be caused to be paid to him by the jodidars.

×dated 3d August 1892

On the 29th November 1893 the Amildar issued notices to Ramadasappa and Ramanna Jodidars of Kanakanaikanhalli requiring them to pay up within 15 days the interest on the purchase money produced by Nanjappa and the costs as per orders of the Deputy Commr. dated 3th August 1892.

Ramadasappa and Ramanna stated that they had not agreed to pay anything to Nanjappa and that they would not pay as directed.

Nanjappa presented a petition⊕ ~~also~~ to the Deputy Commr. that

⊕ Enc: to petn. no 906
22-9-94

although notices had been issued to the jodidars to pay him the interest and the costs they had refused to pay and that if they were unwilling to pay the sale of the ~~village~~ portion of the village to him for Rs 1301 might be confirmed.

The Deputy Commissioner thereupon issued the following endorsement to Rangappa:

4-6-94

"The village of Kanapanaikanhalli was sold on account of the arrears of jodi due by the jodidars. At the sale it was knocked down to you. The jodidars represented that the arrears were of the famine years and hence delay in payment of the same. Their representations and yours were considered and the sale was not confirmed.

Orders were passed in accordance with the agreement of both parties — yourself and the joodars — that you should take back the amount you had ~~deposit~~ deposited and that they should pay you ~~your costs and~~ interest on the purchase money from the date of deposit up to the end of August 1892 and your costs. If you had applied ~~for~~ ~~the same~~ soon afterwards the interest and the costs could easily have been caused to be paid to you. Without doing so you kept quiet until the sale was cancelled and the village restored to the possession of the joodars. ~~joodars~~ After a long time you now ask for the money. As they do not pay now, nothing" can be done summarily.

In his present petition no. 906 to Govt. Ranjappa states that the above order of the Deputy Commr. is against law, and that the jodidars are bound to pay him the amount.

The petitioner prays that the above order of the Deputy Commr. may be set aside and the interest and the costs due to him may be ordered to be recovered in the manner in which Govt. demands are recovered and the same caused to be paid to him.

Tsh
IC 29/4/95

LR 196-92-T

(General Serial No. 32.)

1892.

No. 942

Name of Petitioner. Muthkur Nanjappa

Village. Alagutta

Taluk. Gubbi

District. Tumkur

Date of Arzi. 10 - 10 - 92

Date of Receipt. 13 - 10 - 92.

Date of Disposal.

No. of Enclosures. Three

ABSTRACT.

Appeal against the Dy. Commr's order No. 225 dated 3-8-92, confirming the general asst. commr's order ~~Abt~~ unjustly cancelling the ~~on~~ sale to the appellant of ~~a~~ certain shares in the Jodi Kanapanayakana halli attached to Doddeni Samat Maddagiri Taluq for revenue arrears.

S.Vkg

18/10/92

(1) Stamp Correct

(2) order produced

(3) ~~Stan~~ Appeal in time

(4) Rule I Cl. (28) of the Addl Rules ✓

Call for Pros: with the usual report

BV

N

20/10/92

Mysore Govt. Central Press Bangalore—7-9-92,—1000.

Petn Dr.

P. 2/11

Enclosures are returned to petitioner with the endt. N. 12/14 / 8/93.

PETITION DEPT. ...
REG'D: 942 R
DATE 14-10-92

(20)

A. S. No 46 / 92-93.

M. K. D. Narasinga
13-10-92

Two Rs Stamp.

To

The Dewan to His Highness
The Maha Raja of Mysore

Most Honored Sir,

The humble petition of Moottekoor Nanjappah, residing at Halugatta, Goobbee Taluq most humbly and respectfully

Sheweth.

I. That the shares of Narasimha Shastry, Ranga Bhatta, Rama Shastry and Krishna Shastry in the Jodi village of Kanapanayakanahalli, attached to Doddiri Sammatte, Maddagiri Taluq, Tumkur District had been attached on account of arrears of Jodi due thereon from the year Shathooah to the year Khara

588-7-9-

2. The same was sold by the Amildar of Maddagiri on the 23rd December 1891, on account of the said arrear and the petitioner was the highest bidder in the said sale and he purchased the same for Rupees 1301/- as will be seen from the certified copy of the Harráz-Pattee herewith produced and marked A.

3. The said Jodidars, that is, their representatives had ample time for payment of arrears. They were also given time for payment of the said arrears on the day of sale; on the day of sale, they gave a statement to the following effect viz;

"The sale commenced this day at 11 O'clock. If two hours' time be granted to us and if within that time we fail to pay up the arrears or give tangible security for the same, the sale may be concluded by 5 O'clock.

A certified copy of the said statement is herewith produced and marked B.

4. But since they did not act up to

that day viz; 23rd December 1891.

5. Even after the said sale was concluded and before the petitioner paid up the full sale amount, they did not pay up the arrears due;

6. Long after the petitioner paid up the sale amount, the General Assistant Commissioner of the Tumkur District passed an Order on the 12th of April 1892 to the effect that a notice should be issued to the above defaulters — granting them time for payment of interest, but recovering from them the arrears due; that the sale amount should be refunded to the purchaser and that the property sold should be released without delay.

7. From this it would appear that the sale was cancelled.

8. Thereupon, an appeal was preferred to the Deputy Commissioner, Tumkur District against the said order of the General Assistant Commissioner and the Deputy Commissioner passed his order dated 3rd August 1892

to the effect that the order of cancelment of sale is confirmed; that the Jodedars agreed to pay within the end of that month the interest due on the sale amount of one and quarter Rupee per cent per mensem from the day the purchaser paid the purchase money to Government and also Rupees 20/- on account of costs incurred by the purchaser and that they would produce this amount before the Amildar of Maddagiri, and that the General Assistant Commissioner should direct the Amildar to pay over the said Principal, Interest and Costs to the purchaser.

A certified copy of this order is herewith produced and marked C.

9. It is against this order of the Deputy Commissioner that the petitioner now begs to prefer this petition to your Honor for the following reasons viz;

(1). There was ample time for the payment of the arrears of Joda by the Jodedars and they failed to paid up the purchase amount to Government.

(ii). They paid a portion of it in March and the other portion in April 1892.

(iii). That the sale was regularly conducted and there was no material irregularity in publishing or conducting the sale and the petitioners have not sustained any loss by the sale. On the other hand, the property sold fetched Rupees 1301/- whereas this property and another 1/3rd share in the said village was sold once and purchased for about Rs 1300/- although this latter sale was cancelled on some other grounds.

(iv). That there are no proper and legal grounds for setting aside the sale.

For the foregoing reasons, the petitioners pray that the order of the Deputy Commissioner may be kindly set-aside and that an order may be kindly passed confirming the sale.

beg to remain

Most Honored Sir

your Honor's most obedient

and humble servant

Bangalore

10th October

1892

21

K. T. Narasimha Iyengar
13-10-92

Two Rupees Stamp

To the Office of the Dewan of Mysore ಕೋರ್ಟಿಗೆ.

ಸನ್ 1892 ನೇ ಇಸವಿ Revenue Appellate ನಂಬರ್ 20

Appellant~~s~~ }
Mootte Koorchaiyappa

ಪ್ರತಿವಾದಿ.

To Mr. K. T. Narasimha Iyengar Advocate ಗೆ.

I. Mootte Koorchaiyappa the above named Appellant

ಬರೆಸಿಕೊಟ್ಟ ವಕಾಲತ ನಾಮೆ.

ಈ ಮೊಕದ್ದಮೆಯಲ್ಲಿ ನನ್ನ ಪರವಾಗಿ ಕೋರ್ಟಿಗೆ ಹಾಜರಾಗಿ ಅರ್ಜಿ ವಗೈರೆ ಕೊಟ್ಟು, ವಿವಾದಿಸಿ ಫೈಸಲ್ ಹೊಂದತಕ್ಕ ಬಗ್ಯೆ, ಮತ್ತು ನನಗೆ ಸಲ್ಲತಕ್ಕ ಡಿಕರಿ ಮೊಬಲಗು ದಸ್ತೈವಜು ವಗೈರೆ ತೆಗದು ಕೊಂಡು ರಶೀದಿ ಕೊಡುವದಕ್ಕೂ ಸಹಾ ತಮಗೆ ಅಧಿಕಾರ ಕೊಟ್ಟಿದ್ದೇನೆ, ಆದ್ದರಿಂದ ತಾವು ನನಗೋಸ್ಕರ ಕೋರ್ಟಿಗೆ ಹಾಜರಾಗಿ ನಡಿಸುವ ಎಲ್ಲಾ ಕೆಲಸಗಳನ್ನು ನಾನು ಖುದ್ದು ಇದ್ದು ನಡಿಸಿದಂತೆ ಒಪ್ಪುತ್ತೇನೆ ಮತ್ತು ಕೋರ್ಟಿಗೆ ನೀವು ಕೊಟ್ಟ ಭತ್ತಾ ಶಿಲ್ಕು ತೆಗದುಕೊಳ್ಳುವದಕ್ಕೂ ಸಹಾ ನಿಮಗೆ ಅಧಿಕಾರ ಕೊಟ್ಟಿದ್ದೇನೆ.

ತಾರೀಖು 10 ನೇ October }
ಸನ್ 1892 ನೇ ಇಸವಿ.

ರುಜು.

ಅಂಗೀಕರಿಸಿರುತ್ತೇನೆ.

K. T. Narasimha Iyengar
Advocate for Appellant

ಈ ಮೊಕ್ತ್ಯಾರನಾಮೆ ಕೊಟ್ಟವರು ನನಗೆ ಪರಿಚಯಸ್ಥರು ನನ್ನ ಸಮಕ್ಷಮ ಇದಕ್ಕೆ ರುಜು ಮಾಡಿ ಇದ್ದಾರೆ, ಆದ್ದರಿಂದ ನಾನು ಸರಟಿಫೈ ಮಾಡಿದ್ದೇನೆ.

K. T. Narasimha Iyengar
Advocate

Printed dy, T. Raghava Char, Tholasee thotum, BANGALORE.

542

(22)

LR 196-922

MYSORE DEWAN'S OFFICE,

PETITION DEPARTMENT.

OFFICIAL MEMORANDUM.

The accompanying Petition No. 942 dated 10th Octr 92 received at the Dewan's Office from Muthkur Ranjappa of Alagatta, Gubbi Taluk, appealing against the Dy Commr's order No. 225 d/ 3-8-92 confirming the Comb. Asst Commr's order cancelling the sale of ~~the~~ certain shares in the Jodi Hanapanaikanahalli, Maddagiri Tk, for revenue arrears, is forwarded, together with its three enclosures, to the Dy Commr, Tumkur Distt, for submission of Procgs with a report on the facts of the case & on the points taken in the petn.

2. The Petn should be returned.

By Order,

Draft.

MM 7/11/92

p Chief Secretary.

BANGALORE,
7 Nov ~~Octr~~ 1892

G.O. N

7220

Pet 334

(General Serial No. 30.)

1892-93

GOVERNMENT OF MYSORE

LR 196-92-3

From The Deputy Commissioner
Tumkur District

(23)

To

The Chief Secretary to the ~~Dewan~~ Government
of Mysore.

Dated 24th. } December 1892
Despatched 4th } January 1893
Received

Enclosures No. Records and petition with its enclos:

General No.
No. 568

His official memorandum No 592 of the 7th November 1892

Submitting the records with a report about the complaint of Nanjappa of Malagatta in the Gubbi Taluk, as requested in the above—

Peter Gr. Quirk
9/1/93

[illegible] 17/1/93

10/1/93

No 568

Off. Deputy Commissioner's Office
Tumkur District
Dated Tumkur, 24th December 1892

To
The Chief Secretary to the
Government of Mysore

Sir,

Adverting to your Official Memorandum No 592 of the 7th November 1892 forwarding for submission of proceedings with a report, a petition from Nanjappa, of Alalagatta in the Gubbi Taluk appealing against an order of this office confirming that of the General Assistant Commissioner refusing to sanction the sale of certain shares in the Jodi Village of Kanapanayakanhalli in the Maddagiri Taluk for revenue arrears, I have the honor to state as follows:-

2. Some of the Jodidars having failed to pay the arrears due from them from the year Dhatu (1876-77) to Khara (1891-92) amounting to Rupees 588-7-9, their shares were attached and put up to public auction. The petitioner was the highest

bidder for Rupees 130/-4-4; but as the defaulters subsequently paid their dues fully, the General Assistant Commissioner did not sanction the sale but ordered the release of the property from attachment and the return of the amount deposited by the petitioner.

3. On this the petitioner appealed to me. As the arrear was not paid till after the sale was actually held the defaulters were as per rules not entitled to any Concession, but as the arrears related to famine years I thought that some clemency might be shewn them and accordingly upheld the General Assistt. Commissioner's order withholding sanction to the sale. I however added that the defaulters should pay the petitioner interest at 1 per cent per month on the amount deposited by him from the date of deposit up to the end of August 1892 and also 20 Rs: to cover his other expenses incurred in obtaining Copies, retaining pleaders &c:

4. The enclosures of the Memorandum under reply are herewith returned together with the record of the Case.

I have the honor to be
Sir
Your most obedient Servant

Deputy Commissioner

LR 196 92-4

Draft for approval

(General Serial No. 30.)

189 .

(24)

From

The Chief Secretary
to the Dewan of Mysore.

To Dy Comr. Tumkur.

Dated

Despatched 27 April/93.

Received

Enclosures No.

General No. 17640
~~Pet F.~~ *No.* 275-92-

Calling for further report ~~about~~ ~~the~~ in connection with the appeal of Moutkur Nanjappa of Alalagatta, Gubbi Taluk.

References to be marked.

From the same No 931 of 11-5-93.

Mysore Govt. C. Press, Bangalore.—9-1-93.—3,000.

To

The Deputy Commissioner
Tumkur District

His letter No. 568, of 24th Dec/92, reporting on the petition of Mutkur Nanjappa of Alalagatta in the Gubbi Taluk.

With reference to the above, has the honour to request that the Deputy Commissioner will be so good as to report whether the amount of purchase money with interest has been paid over to the Appellant, or is still in deposit.

By Order

for Chief Secretary.

Draft
(Councillor's order)
S.V.

LR 196-92-5

a8

(General Serial No. 30.) 13196.

1892 Pg3. 538

From The Deputy Commissioner
Tumkur District

(25)

To

The Chief Secretary to the ~~Dewan~~ Govt.
of Mysore.

Dated 11th May 1893.

Despatched

Received

Enclosures No. -

General No.
No. 931.

Chief Secretary's Docket No: 17640 of the 24th April 1893
275-92

States that the amount of purchase money has not as yet been paid to Appellant Mutkur Nanjappa of Alalagutta in the Gubbi Taluk —

Peter Dr

No: 931.

Tumkur District
Deputy Commissioner's Office
Tumkur 11th May 1893.

To,

The Chief Secretary to the
Government of Mysore

Sir,

Adverting to your Docket No: 17640/275-92 of the 24th April 1893 enquiring if the amount of purchase money with interest has been paid over to Appellant Mutkur Nanjappa of Alalagutta in the Gubbi Taluk, I have the honor to state that the amount of purchase money has not as yet been paid to the Appellant, and that it is still held in deposit. No amount has been received on account of interest.

I have the honor to be,
Sir,
Your most obedient Servant
A Raghavendra Rau
For Deputy Commissioner

H.

LR 196-92-6 30.

Before the Government of *His Highness* the Maharaja of Mysore.

(27)

Appeal No. 46 of 1892-93.

Appellant. Vs. Respondent.

Moothakur
Nanjappa, residing in
Alalaghatta, Gubbi Taluk

~~Decision.~~

Facts of the case.

On the 23d December 1891, the share held by Ramamma and others in the Jodi village of Kanappanaikanhalli in the Madgiri Taluk was sold for arrears of Jodi due on the said share which amounted to Rs 588-7-9. The Appellant, Nanjappa, bought it ~~at the sale~~ for Rs 1301, but the sale was not confirmed. The defaulters Ramamma and another having, on the 21st January 1892, complained that the amount ~~of their share~~ tendered by them was not received by the Amildar, the General Assistant Commissioner, under instructions from the Deputy Commissioner allowed the applicants further time for paying the arrears and upon their producing the amount cancelled the sale on the 12th April 1892.

On the 3d August 1892 the Deputy Commissioner, to whom the purchaser appealed, declined to interfere on the ground that the delay in the payment might have been due to the failure of rains in 1891, and that the sale had been set aside before it was confirmed, but directed that the defaulters should pay the purchaser interest on the purchase money at Rs 1-4-0 per cent per ~~annum~~ mensem from the date on which it was paid into the Treasury up to the end of August 1892 and a further sum of Rs 20/- on account of other expenses which he had incurred in connection with the sale. The purchaser in his appeal to Government urges that the defaulters had ample opportunity and yet failed to pay the arrears before the sale and prays that the sale may be confirmed. ~~He has not taken back the amount of purchase money deposited by him. The amount of compensation awarded has not been paid up by the defaulters.~~

Decision If as alleged by the Jodidars they tendered the amount of arrears due for their share prior to sale and the aucr refused to receive the same the sale was illegal. The D/Comr however made no enquiry to ascertain the truth or otherwise of the alleged tender but allowed the defaulters to pay up the arrears and ~~cancelled~~ directed the Genl and Comr to withhold confirmation of the sale. Under these circumstances the Govt do not consider it expedient to interfere.

with the Dy Commr's order -
This appeal is rejected.

9/8/93

By order

Chief Secretary

Draft

No 2942 / P.J. 275-92 of 9-8-93 / 14-8-93.

Copy to the Deputy Commr. Trichur District with the records received with his No. 568 of 24th Decr 1892.

By order

Chief Secretary

No. 46.

SR 196-92

[illegible]

MYSORE DEWAN'S OFFICE,
PETITION DEPARTMENT,
~~10~~ 14 August 1893

14/8/93

Endorsement granted to Muttkur Nanjappa of Alaghatta, Gubbi Taluk, Tumkur District

(26)

in reply to his Petition Registered No. $\frac{942}{A.S.42}$ dated 10th October 92 appealing against the Deputy Commr's order regarding the cancellation of the sale of a portion of the Jodi — Kannappanaikonhalli village in the Maddagiri Taluk.

Petitioner is informed that ~~the Government consider it inexpedient to interfere with the Deputy Commr's order. The~~ appeal is rejected.

The enclosures are herewith returned.

"By Order"

Chief Secretary.

Draft
(Council order)

Mysore Govt. Central Press, Bangalore,—9-2-93—2000.

Ref 26-9 mr w.a. p.f. 275-92

P.F. 275-92 is put up

~~[illegible]~~ 20/10

Submitted to Council with References
[illegible] 22/10

If by mutual consent of parties the sale was cancelled on the condition that the Jodidars should pay the [illegible] on the purchase money to the Petr (the purchaser) the order proposed by D/Com is binding on both parties. The D/Com will [illegible] the [illegible] [illegible] the Pro-

Pet. [illegible] for return [illegible] Petr & Jodidars

[illegible]

Drafted [illegible] 26/10

Posted to 14 March [illegible] notice as directed above

(28)

No. 906

Name of Petitioner. Mutukur Nanjappa

Village. Alalaghatta

Taluk. Gubbi

District. Tumkur

Date of Arzi. 21-9-94

Date of Receipt. 22-9-94

Date of Disposal.

No. of Enclosures. 2

ABSTRACT.

This is an appeal against the order of the Deputy Comr. Tumkur District regarding ~~the~~ certain amount due to him.

On account of the arrears of Jodi due by the Jodidars of Manapanagattahalli, their portion of the Jodi lands were sold by public auction and petitioner purchased the same on 23rd Decr 1891, when the Jodidars represented to the Deputy Comr that owing to the failure of rain, there was delay in payment of the Jodi amount, the Deputy Com amount should be paid within August 92 with interest and also that ~~to~~ 20/- should be paid to Petitioner being the expenses incurred by him ~~&c~~. Petitioner then appealed to Govt, but Govt. confirmed the order of the Deputy Comr on 9th Augst 93,

In June 1894, Petitioner addressed a petition to the Deputy Comr. requesting that the Amildar might be directed to collect the amount due to him from the Jodidars ~~&c~~ — The Deputy Comr ordered as follows :—

As the Jodidars of Kanapanayakanhalli failed to pay the Jodi, their village was sold. You bought the village in the ~~sal~~ auction sale. As the Jodidar represented that the arrears due was of the famine year, on hearing ~~both~~ the Jodidars and your statements, the sale was cancelled. With the consent of both the parties, an order was passed stating that the Jodidars should pay you the amount deposited by you with interest from the date on which the amount was paid by you upto August 92 and also the expenses incurred by you. It would have been convenient to collect and pay the

the amount to you if you had put in an application then only. The sale was cancelled and the village was ~~[illegible]~~ restored to the Jodidars long ago. You kept quiet for a long time and you now ask for the money. As the Jodidars refuse to pay the money, it cannot be disposed of summarily"

The Petitioner now prays for orders directing the ~~[illegible]~~ Deputy Comr to collect the amount due to him as ~~an~~ arrears of land revenue

25/3

[illegible]
22-9-94
[illegible]

[illegible]
[illegible]

906
22-9-94

[illegible] 1892-93 [illegible] 46

[illegible]

[illegible] [illegible]

[illegible]
[illegible]
1 [illegible]
2 [illegible]

[illegible]

[illegible]
[illegible] 1891 [illegible] 23 [illegible]
[illegible]

2 [illegible]
[illegible]
[illegible]
[illegible] 1892 [illegible]
[illegible]
1-4-0 [illegible]
[illegible] 20 [illegible]
[illegible] 1892 [illegible]
[illegible]
[illegible] 46 [illegible]
[illegible] 1893 [illegible]
[illegible]

[illegible]

[illegible] 272 [illegible]

[illegible]

4 [illegible]

[illegible]

5 [illegible]

[illegible] 155 [illegible]

28-5-94 [illegible]

LR 196-92-9

MYSORE DEWAN'S OFFICE.

PETITION DEPARTMENT.

A.S. 29 of 94-5

OFFICIAL MEMORANDUM.

(29)

The accompanying Petition No. 906 dated 21st September 94 received at the Dewan's Office from Mutkur Nanjappa of Alaghatta, Gubbi Taluk, appealing against the order of the Deputy Commissioner of Tumkur, regarding certain Sums of ~~amount~~ Money due to Petitioner from the Jodidars of ~~is forwarded, together with its~~ Kanapanayakanhalli, ~~the sale to~~ ~~enclosures, to the~~ ~~Petitioner, of which was cancelled by the Deputy Commissioner~~, is forwarded, together with its two enclosures, to the Deputy Commissioner, Tumkur Distri for submission of the proceedin

The petition with its enclosu should be returned,

By Order,

Draft
(Councilorder) 30/10

BANGALORE,
30-10-1894

for Chief Secretary.

2/11
S.C.
26/10.

M.G.C.P.Bangalore.—3-5-94.—1,000.

This should be entered in the list of Cases to be posted for hearing, if it has not been already done.

Bring up, when posting Cases.

20/11

(General Serial No. 30.)

6413.

1894. Pol: 291

From The Deputy Commissioner
Tumkur district

(30)

To

The Chief Secretary to the ~~Dewan~~ Govt.
of Mysore.

Dated 16th November 1894.

Despatched 17th — do —

Received

Enclosures No. 2 Files

General No. 438
No.

His: offl: memo: no: Pol/604 of the 24th October 1894.

Submitting the proceedings connected with the complaint of Muttur Nanjappa of Alagatta in the Gubbi Taluk.

Pol 19/11

Recd 19/11

No. 438
Enclo. 2 Files

Tumkur District

Deputy Commissioner's office
Tumkur 16th November 1894

To

The Chief Secretary to the
Government of Mysore

Sir,

As required in your official memorandum No Pst/604 dated the 24th October 1894, I have the honor to submit herewith the proceedings connected with the complaint of Mutkur Nanjappa of Alalagatta in the Gubbi Taluk regarding certain sums of money due to him from the Jodidars of Kanapanaikenhalli Jodi village in the Maddagiri Taluk.

2. The enclosures of the do official memorandum under do

reply

reply are herewith returned.

GOVERNMENT OF MYSORE

I have the honor to be
Sir
Your Most obedient Servant

M. Venkatavaraswamy
Deputy Commissioner
Tumkur District

GOVERNMENT OF MYSORE

Before the Government of *His Highness* the Maharaja of Mysore. (31)

Appeal No. 29 of 94-95

Appellant. Vs. **Respondent.**

Muthukur Nanjappa by Mr Nanjundappa. — Ramamma and Venkataramadasappa

30-4-95

Appellant **Decision.** [illegible]

In the Deputy Commr's Yadasht No 225 with General Appt Commr it is clearly stated that the Vittedars in whose favour the sale was [illegible] cancelled agreed to pay interest at 1¼ per cent. per mensem from the date on which the purchaser had deposited the money in the treasury till the end of August 1892 plus a lump sum of 20~~Rs~~ for all expenses. Altho strictly under the rules the sale was not liable to be cancelled yet, it was this promise of reimbursing the purchaser for his expenses which induced the Dep Commr to withhold his consent to the confirmation of sale. The Vuttedars cannot be permitted to escape the consequences of their covenant and the records show that the purchaser Muthkur Nanjappa was not guilty of any delay or laches in prosecuting his claim. He appealed to Govt. agst the order of the Dist Court & the appeal was decided in July 1893, and in course of a few months he applied to the Dist Court for the payment of the money which had been promised to him. It should be remarked that when the Dist Court went out of his way to help the Vuttedars and refused to confirm a sale which it had undertaken to confirm ~~order was executed~~ to be a supra he ought to have enforced the payment of such extra moneys which he thought were due to the purchaser. Sn 186 of the L R Cd does not seem to contemplate the payment of such moneys and having regard to the difficulty of levying the amount by compulsory process the Dist Court ought to have taken the precautions of leaving the matter of the collection

~~be~~ beyond all doubt sufficiently
It is impossible to levy the amount
except through the medium of the
Dep Commr & the reason which the
Deputy assigns for not ~~not~~ collecting
it is not sound. The delay of a few
months which under the circs
is not unreasonable should not
affect the question. The Dep Commr
should now call upon the Pattedars
to pay up the amount and on
default they will render them-
-selves liable to be served with
compulsory process - as in the
execution of a money Decree. For
these reasons the appeal will be
allowed and the papers sent
back to the Dep Commr with a direction
that he will duly enforce his order
and have the sums due to the
appellant recovered and paid to
him.

6.5.95

To Mr Abdul Rahiman Saheb K.B.

By order
7/5/95
Ag: Ch: Secy

P.T.O.

No. 20781 / Pet. 275-92 D/ 6.5-95 / U.

Copy to the Deputy Commissioner Tumkur District returning the records received with his letter No: 438 dated 16" November 1894

By order
7/5
Offg: Chief Secy.

Draft

SKR.
7/5

abstracted

abstracted
SKRao [illegible]

No. 906

GOVERNMENT OF MYSORE MYSORE DEWAN'S OFFICE,

PETITION DEPARTMENT,

The 189

Endorsement granted to Muthur Nanjappa of Adalghatta, Gubbi Taluk

in reply to his, Petition Registered No. 906 dated 22 Sept 1894 appealing against the Dy. Commr's order 24 June 1894 regarding certain sums ordered to be paid ~~amounts~~ ~~due~~ to him ~~from~~ by the ~~[illegible]~~ Villagers of Jodi Kanapanaiker halli.

Petitioner is ~~informed that~~ referred to the Dy. Commr. Tumkur District to whom instructions ~~orders~~ have been issued to have the sums due to the Petr recovered and paid to him.

2. The Inclosure is returned

'By Order'

Draft

Appd.

7/5

Chief Secretary.

M.G.C.P.B—19-2-95—1,000

7/5 7/5

LR 196-92-13 501

GOVERNMENT OF MYSORE

(32)

[illegible]
21/5/95

[illegible]
906.

[illegible]

[illegible]

[illegible]

[illegible]

[illegible]

[illegible]

4-6-94 [illegible]

[illegible] 22-9-94 [illegible]

[illegible]

[illegible]

[illegible]

[illegible]

[illegible]

[illegible]

[illegible] 13 [illegible] 1895 [illegible]

[illegible]

[illegible]

[illegible] orders

Draft [illegible] 14/5